

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

WILLIAM PERRY NEWHOUSE,  
and Executor of his Estate,  
DELVA NEWHOUSE,

Plaintiffs,

VS

ETHICON INC, et al  
ETHICON ENDO-SURGERY INC, et al,  
JOHNSON AND JOHNSON INC et al

Defendants,

CIVIL ACTION NO 2:17-2735

HONORABLE: \_\_\_\_\_

COMPLAINT FOR CIVIL ACTION

NOW COMES, Plaintiff WILLIAM PERRY NEWHOUSE III, and the legal Executor of His Life Estate DELVA NEWHOUSE, Who hereby moves this Honorable United States District Court For Southern District of West Virginia, by way of the herein Complaint For Civil Action against Defendants says:

I. PARTIES

(1) Plaintiff(s) Perry Newhouse and Surviving assigned Executor of His Estate DELVA NEWHOUSE, (ie, Mother, Consortium, Companionship, and Counsel) are Adult Residents and Free U.S. Citizens that reside at 865 Carbide Rd, Glen, West Virginia.

(2) Defendant Ethicon Inc., is a New Jersey Corporation with its principal place of business located at U.S. Route 22 W, Somerville, New Jersey 08876.

(3) Defendant Johnson and Johnson Inc - Ethicon Endo-Surgery, Inc., is a Ohio Corporation with its principal place of business located at 4545 Creek Road, Cincinnati, Ohio 45242.

(4) At all relevant times, each Defendant was the representative, agent, employee or alter ego of

the other Defendant, and in doing the things alleged herein was acting within the scope of its authority as such.

## II. JURISDICTION AND VENUE

(5) That Jurisdiction is based upon diversity of citizenship and jurisdictional amount pursuant to 28 U.S.C. §§ 1332 and 1333.

a. That the Plaintiffs et al are Free U.S. Citizens of the Great State of West Virginia.

b. That the Defendant Ethicon Inc, is a Corporation of the State of New Jersey.

c. Defendant Johnson and Johnson Inc.- Ethicon Endo-Surgery, Inc. is a Corporation of the State of Ohio.

(6) Venue is proper pursuant to 28 U.S.C. § 1391(b) as a substantial part of the events or omissions giving rise to this action occurred in this Honorable U.S. Judicial District.

## DEMAND FOR JURY TRIAL

(7) This Pro Se Plaintiff states that he has stated a claim upon which relief should be granted on any/all of the Plaintiff's Federal Claims For Action, and that a reasonable Juror would rule/decide in Plaintiff's favor that the Defendant(s) et al violated clearly established Federal Law, and demands a Jury Trial. FRCVP Rule 38.

## CLAIMS FOR ACTION

(8) The Plaintiff PERRY NEWHOUSE a 44 year old male had a abdominal mesh placement using Defendant(s) ETHICON et al VICRYL Physiomesh Flexible Composite Mesh and VICRYL SUTURES during a abdominal surgery for a hernia in 2007 following a 1995 gunshot wound to the Plaintiff's abdomen. See Exhibits/Appendices A-B.

(9) The Plaintiff PERRY NEWHOUSE states as his claim upon which relief must be granted is based upon the unambiguous fact. That the Defendant(s) ETHICON Inc.(ie, hereafter ETHICON a

subsidiary of JOHNSON AND JOHNSON INC) manufactured, marketed, sold and distributed approximately 3.6 million Vicryl dissolving sutures in 1995 even though the product had been contaminated with infectious bacteria during processing in a breakdown-prone sterilizer unit. According to the U.S. Food and Drug Administration and Federal Records- 70 percent of the Vicryl sutures were not recovered during recall.

(10) The Plaintiff PERRY NEWHOUSE states as his claim upon which relief must be granted is based upon the unambiguous fact. That the Defendant(s) ETHICON manufactured, marketed, sold and distributed VICRYL Physiomesh Flexible Composite Mesh that was defective, unreasonably dangerous, and the company did not provide doctors and patients with “reasonably sufficient technical information” about the risks of its product. According to the U.S. Food and Drug Administration and Federal Records

(11) The Plaintiff PERRY NEWHOUSE states as his claim upon which relief must be granted is based upon the unambiguous fact. That the Plaintiff PERRY NEWHOUSE has physically and mentally suffered many complications from post surgery from the Defendant(s) ETHICON et al VICRYL Physiomesh Flexible Composite Mesh and VICRYL SUTURES that continues to date, including severe chronic persistent post-operative fistula, chronic pancreatitis with recurrent stones, hernia of the abdominal cavity, abdominal abscesses, chronic abdominal pain and excessive unexplained weight loss.

(12) The Plaintiff PERRY NEWHOUSE states as his claim upon which relief must be granted is based upon the unambiguous fact. The Plaintiff PERRY NEWHOUSE has suffered severe harmful effects from the Defendant(s) ETHICON et al VICRYL MESH and VICRYL SUTURES, including but not limited to partial or complete loss of mobility, loss of range of motion, as well as other severe and personal injuries which are permanent and lasting in nature, physical pain and mental anguish, including enjoyment of life with Plaintiff Delva Newhouse(ie, Plaintiff’s Mother) and his Family/Friends from the many complications from post surgery to date.

(13) Further, Local General Surgeon Expert Witnesses have declined to operate on this Plaintiff for fistula and hernia repairs because of the Defendants et al negligence, breach of express warranty, breach of implied warranty by the Defendant(s) ETHICON Vicryl Mesh and/or Vicryl Surgical Sutures that presented a unreasonable and probable risk of illness and injury.

(14) The Plaintiff PERRY NEWHOUSE states as his claim upon which relief must be granted is based upon the unambiguous fact. That Corporate Law Firms Nationwide are attempting to corral Victims of the Defendant(s) ETHICON et al that recalled defective VICRYL MESH and VICRYL SUTURES into joining Federal Class Action Lawsuits against the Defendants ETHICON et al and have Victims agree to pay the Corporate Law Firms a 40 to possibly 45 percent Attorney Fee agreement in they win to agree to accept any minute amount of money in settlement for their pain, suffering and/or death; or the Corporation Law Firms will sue the Victims of Defendants for attorney fees at cost of \$900 a hour.

(15) The Plaintiffs have choose to proceed in Pro Se, and literally plagiarized the legal syntax outlined in all of the Corporate Law Firms Federal Class Action Lawsuits against the Defendants Ethicon; Johnson and Johnson Inc.- Ethicon Endo-Surgery, Inc.; and its representatives, agents, employees, or alter ego companies of the Defendants ETHICON et al. Since the Corporate Law Firms do not represent the best interests of these Plaintiffs, and Victims Nationwide.

(16) Corporate Law Firms have never represented the best interests of the American People on Black Lung, Asbestos, Tobacco, and Nationwide Real Estate Fraud Lawsuits. Because THE PEOPLE were never properly compensated, and the Corporate Law Firms legally advised their Corporation CEOS/Clients that even if they loose the lawsuits for all the wrongful deaths and a billion dollar lawsuit is awarded the Corporations can write if all off on their taxes to be reimbursed from the Federal Government and IRS.

**RIGHT TO AMEND**


(17) These Pro Se Plaintiff(s) reserves the Right to Amend the Federal Complaint For Civil Action against the Defendants et al as may be required under FRCP, Federal Law, and in the Interest of Justice. FRCP Rule 15 as determined by the U.S. Supreme Court.

(18) These Plaintiffs claims that the herein pro se pleadings cannot be held same standards as those drafted by attorney as held/ruled by the United States Supreme Court and accept must accept Pro Se Litigants allegations as true, unless they are clearly irrational or wholly incredible unless it appears 'beyond doubt that the pro se litigant can prove no set of facts in support of his claim which would entitle him/his to relief. Further, These Plaintiffs believes that this Honorable Federal Court has a responsibility, and legal duty to protect any and all of the accused constitutional and statutory rights.


**PLAINTIFFS AFFIDAVIT IN SUPPORT**

(19) That I/Plaintiffs declare that the above herein statements and claims asserted in this meritorious Pro Se Complaint For Civil Action are true to the best of my/our knowledge, information, and belief under penalty of perjury. See 28 USC 1746 et seq.

Date: 5-5-17

  
PLAINTIFF IN PRO SE  
WILLIAM PERRY NEWHOUSE III  
865 CARBIDE RD  
GLEN, WEST VIRGINIA 25088

Respectfully Submitted,

  
PLAINTIFF IN PRO SE  
DELVA NEWHOUSE  
865 CARBIDE RD  
GLEN, WEST VIRGINIA 25088

**SUMMARY AND RELIEF**

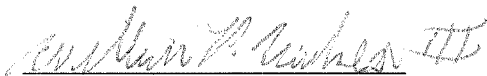
WHEREFORE, This Plaintiff requests that this Honorable United States District Court of Southern District of West Virginia honors/grants Plaintiff's Federal Complaint For Civil Action. Since these Plaintiff(s) have stated a claim upon which relief should/can be granted, and that there is a reasonable probability that a Jury would reasonably rule in these Plaintiff(s) favor that the Defendants ETHICON violated clearly established Federal Laws; FDA Regulations; and/or this Plaintiff(s) clearly established

Federal Civil Rights protected under Federal Law and the United States Constitution as determined by the U.S. Supreme Court on duties/laws agreed by the Defendants/Corporations to the General Public and this Plaintiff/Citizen to operate in the United States of America pursuant to Federal Law.

Further, These Pro Se Plaintiff(s) seeks/demands any/all of the following:

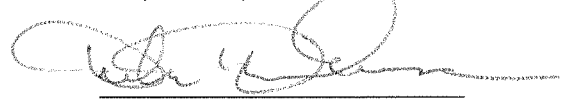
That this Honorable US District Court issue ORDER for Jury Trial for the herein Pro Se Plaintiff(s), for actual, compensatory, treble, and/or punitive damages from the Defendants ETHICON et al in the sum of \$10,000,000(ie, Ten Million Dollars) on any/all Federal Claims For Action asserted by these Plaintiff(s) against any/all Defendant(s) ETHICON et al found to have violated any clearly established Federal Laws; FDA Regulations; and these Pro Se Plaintiff's clearly established Federal Civil Rights as determined by the United States Supreme Court, as all circumstances should dictate and Justice would so demand.

Date: 5-5-17



PLAINTIFF IN PRO SE  
WILLIAM PERRY NEWHOUSE III  
865 CARBIDE RD  
GLEN, WEST VIRGINIA 25088  
(304) 968-3717

Respectfully Submitted,



PLAINTIFF IN PRO SE  
DELVA NEWHOUSE  
865 CARBIDE RD  
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